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FROM-BEYER WEAVER THOMAS

**JUN 26 2007**

612-825-6304

T-080 P.012/015 F-420



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,289	10/30/2000	Eva Chen	TRNDP004	1429

22434 7590 06/08/2007  
BEYER WEAVER LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

EXAMINER  
KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
06/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

BEYER WEAVER LLP	
ATTY: <u>LOS</u>	ASSOC: <u>LOS</u>
ACTION <u>Notice of</u>	
<u>Non compliant Amendment</u>	
DUE DATES <u>7/8/07</u>	
DOCKETED <u>6/12</u> BY: <u>MA/LR</u> <u>6/14</u>	
DOCKET NO.: <u>TRNDP004</u>	

JUN 26 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chen et al.

Attorney Docket No.: TRNDP004

Application No.: 09/702,289

Examiner: KHOSHNOODI, Nadia

Filed: October 30, 2000

Group: 2137

Title: TRACKING AND REPORTING OF  
COMPUTER VIRUS INFORMATION

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office, Central Facsimile Telephone number (571) 273-8300 on this day June 26, 2007 addressed to Examiner KHOSHNOODI, Nadia.

Signed:   
Ann Lowe

## AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

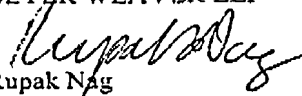
Sir:

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	26	MINUS	26	0	x 25 =	x 50 =
Independent Claims	2	MINUS	2	0	x 100 =	x 200 =
Multiple Dependent Claim Present and Fee Not Previously Paid						
Total					\$0	\$

- ☒ Applicant(s) hereby petitions for a one-month extension(s) of time to respond to the aforementioned Office Action.
- ☒ Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- ☒ Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. TRNDP004).

Respectfully submitted,  
BEYER WEAVER LLP

  
Rupak Nag  
Reg. No. 37,493

P.O. Box 70250  
Oakland, CA 94612-0250

JUN 26 2007



## FACSIMILE COVER SHEET

June 26, 2007

**RECEIVER:** Examiner KHOSHNOODI, Nadia  
Group Art Unit 2137

**FAX #:** 1-571-273-8300 Central Fax

**SENDER:** Rupak Nag Fax# (612) 825-6304  
Reg. No. 37,493 Telephone: (612) 252-3335

**Pages Including Cover Sheet(s):** 15

**RE:** Application No. 09/702,289  
Filed: June 26, 2007  
Docket No.: TRNDP004

**MESSAGE:** Attached please find the following documents for filing in the above-referenced application:

- 1) Amendment Transmittal (1pg)
- 2) Response to Non-compliant Amendment (9pgs)
- 3) Copy of the Notice of Non-Compliant Amendment (4pgs)

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**CONFIDENTIALITY NOTE**

The information contained in this facsimile (FAX) message is legally privileged and confidential information intended only for the use of the receiver or firm named above. If the reader of this message is not the intended receiver, you are hereby notified that any dissemination, distribution or copying of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify the sender at the telephone number provided below and return the original message to the sender at the address below via the United States Postal Service. Thank you.

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JUN 26 2007

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

09/702,289

Examiner

Nadia Khoshnoodi

Applicant(s)

CHEN ET AL.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 4/4/2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Attached For A Detailed Explanation.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

U.S. Patent and Trademark Office

Part of Paper No. 20070531

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Page 2

Application/Control Number: 09/702,289

Art Unit: 2137

**Notice of Non-Responsive Amendment**

The reply filed on 4/4/2007 is not fully responsive because it fails to include a complete or accurate record of the substance of the April 2, 2007 interview. Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).**

The reply filed on 4/4/2007 is also not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited prior arts of record. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Since this application has been granted special status under the accelerated examination program, **NO** extensions of time under 37 CFR 1.136(a) will be permitted.

The Examiner would like to make a note that page 8 (which Applicants noted that the remarks were supposed to begin on) is missing from the file. This page may have included the missing information which rendered the amendments filed 4/9/2007 non-compliant, however at this point it is unknown if the missing page incorporated an interview summary and arguments specifically stating why the claim amendments are patentably distinct from the cited prior arts.

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Page 3

Application/Control Number: 09/702,289  
Art Unit: 2137

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

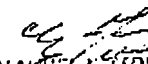
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nadia Khoshnoodi  
Examiner  
Art Unit 2137  
5/31/2007

NK



EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER